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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 000287

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DEPARTMENT FOR EUR(DICARLO), EUR/SCE(HOH/FOOKS); NSC FOR  
BRAUN; OSD FOR BEIN

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [SCUL](#) [BK](#)

SUBJECT: BOSNIA - TWO NEW SERB CHALLENGES TO DAYTON

REF: A. SARAJEVO 246

[1](#)B. SARAJEVO 226

[1](#)C. SARAJEVO 95

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Classified By: DCM Judith Cefkin. Reason 1.4(b) and (d).

[1](#)1. (C) SUMMARY: Over the last week, two issues have arisen that raise additional questions about the broader political objectives being pursued by Republika Srpska PM Milorad Dodik and his Alliance of Independent Social Democrats (SNSD). The SNSD-led Ministry of Civil Affairs has drafted a new law on cultural heritage that would effectively strip the Commission to Preserve National Monuments established by the Dayton Peace Agreement of its responsibilities and return them to the entities. And in a further development, according to press reports, Dodik appeared to call into question the 2001 arbitration decision setting the Inter-Entity Boundary Line (IEBL) in the Dobrinja neighborhood of Sarajevo. He also seemed to imply that he wanted to modify the current IEBL. While both of these issues may fade, in the context of what are now regular rhetorical attacks by Dodik and other RS officials on the state, we believe they are noteworthy. END SUMMARY

Preserving National Monuments: A Dayton Success Story  
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[1](#)2. (C) Destruction of cultural heritage sites was a common tactic employed by the contending armies during the 1992-1995 war, particularly by the Army of Republika Srpska (VRS) during their ethnic cleansing campaigns. A commitment to the restoration of those sites was an important part of the Dayton Peace Agreement (DPA), embodied in Annex 8, the "Agreement on Commissions to Preserve National Monuments." Consistent with Article IX of Annex 8, the Presidency established a state-level Commission to Preserve National Monuments in 2001. Despite this positive step, then HighRep Petritsch had to use the Bonn Powers in 2002 to amend Federation and Republika Srpska laws to ensure entity compliance with the Commission's decisions. Since then, the Commission, with strong support from the international community, particularly the U.S., has been a success.

Gutting Annex 8  
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13. (C) The Commission has worked with the Council of Europe (CoE) for several years to secure passage of a state-level law on cultural heritage, which would bring Bosnia into compliance with its CoE obligations. In 2004, as we understand it, there appeared to be agreement among the state, two entities and Brcko on a law that satisfied the CoE, but the RS withdrew its support at the last minute; the draft never reached the Council of Ministers. On February 8, the current Chairperson of the Commission, Amra Hadzimuhamedovic, approached us to express concern that the Ministry of Civil Affairs (MCA), led by Sredoje Novic, a member of RS PM Milorad Dodik's Alliance of Independent Social Democrats (SNSD), has charged a working group with drafting a new law on cultural heritage.

14. (C) The working group reportedly consisted of representatives from both entity governments and the Brcko District as well as from institutes charged with protecting cultural heritage in the entities and Brcko. The Commission was excluded from it, however. Hadzimuhamedovic claimed that the MCA's draft, if enacted, would effectively strip the Commission of its authority and return the responsibility for protecting Bosnia's heritage to the entities. Under the current Federation Constitution, this responsibility would devolve down to the cantons. She noted that entities and cantons have had a poor track record protecting the cultural heritage of minority and returnee communities. Hadzimuhamedovic explained to us that she sees the draft law as part of "Dodik's broader plan" to take competencies away from the state and transfer them to the entities.

The Sarajevo Inter-Entity Boundary Line (IEBL)  
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15. (C) There has been a series of violent criminal incidents in Bosnia over the last several weeks, which have made headlines across Bosnia. Some of the most dramatic have

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occurred in Sarajevo, including those municipalities and/or parts of municipalities that were part of Sarajevo prior to the war but are located in the RS and are now known collectively as East Sarajevo. On February 8, amidst growing public frustration with the violence, RS PM Dodik met with the mayor and other local leaders of East Sarajevo to discuss what his government was doing to address the situation. According to Radio-Television Republika Srpska, Dodik suggested "reviving the work of the Commission for Inter-Entity Boundary demarcation," adding, "East Sarajevo's development cannot be stopped by obstruction from the Federation."

16. (C) Dodik's comments were vague and somewhat muddled, but our assessment is that he was referring to the post-war dispute between the Federation and the RS over demarcation of the IEBL passing through a Dobrinja neighborhood of Sarajevo. After five years the two entities had failed to resolve this dispute, and in 2001, then HighRep Petritsch referred the matter to binding arbitration. The arbitrator's decision gave much of the territory to the Federation. The territory contained several apartment buildings from which Bosniaks had been forced during the 1992-1995 war. The arbitrator noted that his decision had been motivated, in part, to try to correct the wrongs inflicted on the Bosniak residents of Dobrinja during the war. Dodik's comments appeared to call into question this decision; they certainly implied the need to modify the current IEBL.

Comment  
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17. (C) Dodik and other senior Bosnian Serb politicians have been engaged in an anti-Dayton, anti-state rhetorical campaign for several months now. This has often been combined with actions deliberately designed to undermine the state and prevent state-level institutions from functioning

effectively. In this context, the draft law on cultural heritage and Dodik's off-hand comments about the IEBL are, in our judgment, noteworthy. They both potentially represent more direct challenges to Dayton by Dodik and the RS than his usual attacks on state-level institutions: the draft law to Annex 8, and the IEBL comments to Annex 5, which commits the Federation and the RS to accept binding arbitration to resolve disputes between them. The only other IEBL issue decided by binding arbitration involved Brcko. The draft Law on Cultural Heritage and Dorbinja, taken independently, would appear to constitute obscure attacks on Dayton structures, but in the aggregate and considering anti-state Bosnian Serb rhetoric, they may constitute part of what increasingly appears to be attempts by Dodik and SNSD to undermine the Bosnian state.

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